# MR DAVID P JOHNSON

MB, ChB, FRCS, FRCS(Orth), MD

**CONSULTANT ORTHOPAEDIC SURGEON**

## TERMS AND CONDITIONS
## IN RELATION TO MEDICO-LEGAL PRACTICE

(As suggested by the British Orthopaedic Association)

1. Instructing Solicitors shall be responsible for giving adequate instructions and shall check also that all matters are covered in the reports. Instructing Solicitors shall be responsible for any claim made against Mr Johnson resulting from their failure to do so.
2. The liability of Mr Johnson to instructing Solicitors and/or their clients for negligence howsoever arising in respect of any loss or damage caused by an act or default of Mr Johnson shall be limited to the amount received by Mr Johnson for his services.
3. Instructing Solicitors shall treat all information supplied by Mr Johnson as confidential and shall not disclose directly, or indirectly, or otherwise use this information except for the purpose of the specified litigation without the prior consent of Mr Johnson.
4. Instructing Solicitors shall pay report charges prior to release and all other sums due within four weeks of the date of invoice. Late payment will be subject to the statutory late payment fees of £40-£70, and interest at 30% per annum. In the event of late payment, further reports and co-operation will be withheld until payment is received.

4.1 Mr Johnson reserves the right to require advance payment for work undertaken prior to supplying that work to instructing Solicitors.

4.2 It is assumed that if necessary in the absence of up-to-date radiographs, permission is given by the instructing Solicitors to proceed at the time of consultation with plain x-rays. If necessary, the cost of these will be raised by the Hospital directly to the Solicitors but in most cases is in the region of £150. If an MRI scan is appropriate, then a Solicitor's opinion will be sought before this is undertaken.

5. Mr Johnson's charges for preparing a report will be based on £460 per hour. In the absence of extensive medical records, the fee for a report will be £460.

5.1 Mr Johnson's hourly rate of £460 will apply to all other work including correspondence, telephone calls, conferences, and seeking medical records. Mr Johnson's Secretary's time for such liaison will be charged at £20 per item if less than 10 minutes in duration, or £60 per hour, whichever is the greater.

5.2 If required to attend a conference in Chambers or for attendance in Court, Mr Johnson's charge will be £460 per hour unless otherwise agreed.

5.3 Mr Johnson shall be fully reimbursed for all travelling time at £200 per hour first class train travel, car mileage at £0.80 per mile, together with overnight stay and subsistence if necessary.

5.4 The amount due to Mr Johnson shall not be subject to taxation by the Court.. Instructing Solicitors shall:

a) Ensure that Mr Johnson's charges are no higher than reasonably necessary for the purpose of the litigation, bearing in mind his professional expertise.

b) Where necessary, obtain prior approval from the Legal Aid Board of Mr Johnson's charges.

5.5 Value Added Tax shall be charged where applicable.

6. In the event of cancellation of a Court appearance or settlement, instructing Solicitors shall pay the full fee. A discount may be offered of up to 50% if the case is settled more than 28 days prior to a trial. However, if a summons is received an invoice will be raised which is payable within 14 days in full. The charges set out in clause 5.3 above will be waived if the hearing is cancelled.

Signed Date